

Weedpatch Highway Rehabilitation

In and near Bakersfield
south of Dunsmere Street to Breckenridge Road

06-KER-184-PM 0.8/8.6
EA 06-0U290/Project ID 0616000001
SCH Number: 2020059007

Initial Study with Negative Declaration



Prepared by the
State of California Department of Transportation

November 2020



General Information About This Document

The California Department of Transportation (Caltrans), as assigned by the Federal Highway Administration, has prepared this Initial Study with Negative Declaration for the project located in Kern County, California. Caltrans is the lead agency under the National Environmental Policy Act (NEPA), and Caltrans is the lead agency under the California Environmental Quality Act (CEQA). The Initial Study with Proposed Negative Declaration was circulated to the public for 30 days between May 8, 2020 and June 8, 2020. Comments received during this period and Caltrans' responses are included in Appendix C.

Elsewhere throughout this document, text between a double slash // indicates a change made since the draft document circulation. Minor editorial changes and clarifications have not been so indicated.

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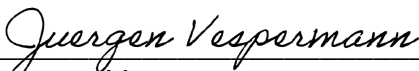
06-KER-184-0.8/8.6
Project ID 0616000001
SCH No. 2020059007

Roadway rehabilitation on State Route 184 between post miles 0.8 and 8.6,
south of Dunsmere Street to Breckenridge Road, in Kern County, California

**INITIAL STUDY
with Negative Declaration**

Submitted Pursuant to: (State) Division 13, California Public Resources Code

THE STATE OF CALIFORNIA
Department of Transportation



Juergen Vespermann
Office Chief (Acting)
Southern San Joaquin Valley Environmental Office
California Department of Transportation

11-20-2020

Date

Negative Declaration

Pursuant to: Division 13, Public Resources Code

Project Description

The California Department of Transportation (Caltrans) will rehabilitate State Route 184 between post mile 0.8, near Dunsmere Street, and post mile 8.6 at Breckenridge Road.

Determination

Caltrans has prepared an Initial Study for this project and, following public review, has determined from this study that the project will not have a significant effect on the environment for the following reasons.

The project will have no effect on: Aesthetics, Agriculture and Forest Resources, Air Quality, Energy, Land Use and Planning, Mineral Resources, Noise, Paleontology, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, Utilities and Service Systems, and Wildfire.

The project will have no significant effect on: Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology, and Water Quality.



Juergen Vespermann
Office Chief (Acting)
Southern San Joaquin Valley Environmental Office
California Department of Transportation
CEQA Lead Agency

11-20-2020

Date

Section 1 Project Description and Background

1.1 Project Title

Weedpatch Highway Rehabilitation Project

1.2 Project Location

The project lies on State Route 184 between post mile 0.8, near Dunnsmere Street, and post mile 8.6 at Breckenridge Road in Kern County. See the Project Vicinity Map and Project Location Map on the following pages.

1.3 Description of Project

The California Department of Transportation (Caltrans) will rehabilitate State Route 184 between post mile 0.8, near Dunnsmere Street, and post mile 8.6 at Breckenridge Road. The project will provide 8-foot-wide shoulders along the length of the project in both directions. Raised median worm curbs will be added at nine locations to improve safety for motorists making turns. Guardrail will be installed in both directions at the Eastside Canal. Three drainage basins and storage ditches will be constructed to address existing areas prone to flooding.

//The project will include Complete Streets elements that require small amounts of right-of-way. Complete Streets elements include upgrading existing non-standard curb ramps, constructing concrete bus turnouts, and sidewalks.// Pedestrian crossings and Americans with Disabilities Act (ADA) upgrades will be made at two railroad crossings (Di Giorgio Avenue and Edison Highway). Class 2 bike lanes will be installed in both directions. Traffic signal modifications and/or upgrades will be made at several intersections. Pre-signals for the railroad crossings and other electrical items may be installed or upgraded throughout the project limits. These will include traffic loop detectors, pull-boxes, demarcation cabinets, park and ride lighting, and vehicle detection systems.

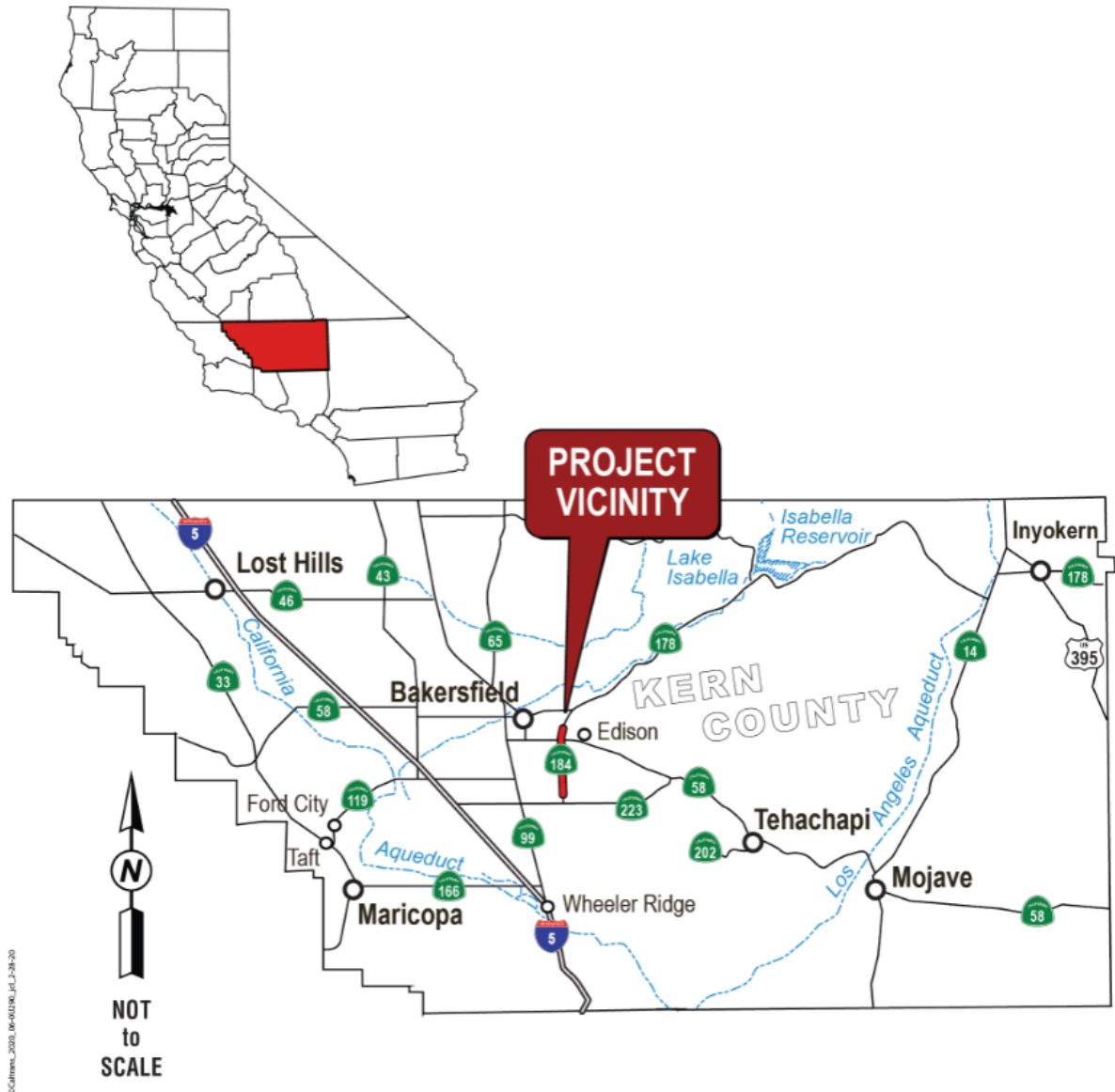
Surrounding Land Uses and Setting

The project lies east of Bakersfield and runs through the communities of Weedpatch and Lamont in Kern County. The project area is surrounded by agriculture, residential housing, and commercial and industrial properties. San Joaquin Valley Railroad Company/Union Pacific Railroad tracks are at Di Giorgio Road (south end of the project); Union Pacific Railroad tracks are at Edison Highway (north end of the project).

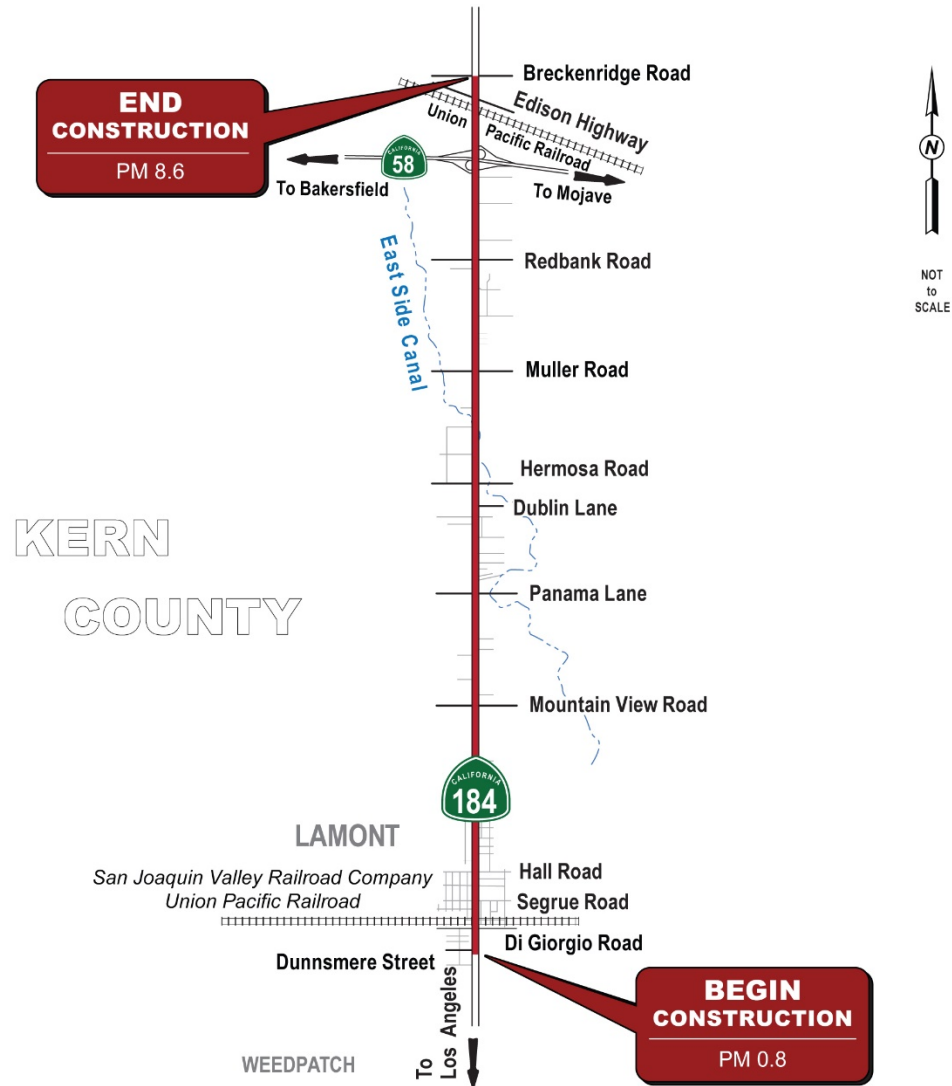
1.4 Other Public Agencies Whose Approval is Required

Informal consultation with the U.S. Fish and Wildlife Service began in January 2020. //Caltrans received a Letter of Concurrence (see Appendix D) dated May 21, 2020 from the U.S. Fish and Wildlife Service.//

Project Vicinity Map



Project Location Map



Section 2 CEQA Environmental Checklist

2.1 **CEQA Checklist**

This checklist identifies physical, biological, social, and economic factors that might be affected by the proposed project. Potential impact determinations include Significant and Unavoidable Impact, Less Than Significant Impact With Mitigation Incorporated, Less Than Significant Impact, and No Impact. In many cases, background studies performed in connection with a project will indicate that there are no impacts to a particular resource. A No Impact answer reflects this determination. The questions in this checklist are intended to encourage the thoughtful assessment of impacts and do not represent thresholds of significance.

Project features, which can include both design elements of the project, and standardized measures that are applied to all or most Caltrans projects such as Best Management Practices (BMPs) and measures included in the Standard Plans and Specifications or as Standard Special Provisions, are considered to be an integral part of the project and have been considered prior to any significance determinations documented below.

2.1.1 **Aesthetics**

CEQA Significance Determinations for Aesthetics

Except as provided in Public Resources Code Section 21099, would the project:

a) Have a substantial adverse effect on a scenic vista?

No Impact—A Visual Preliminary Environmental Study was prepared in December 2019 for this project. The project will not cause a substantial adverse effect on a scenic vista because the project is not listed as a State Scenic Highway. (California Streets and Highway Code Division 1, Chapter 2, Article 2.5, State Highways)

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact—The project will not damage any scenic resources because the project is not on a State Scenic Highway. (California Streets and Highway Code Division 1, Chapter 2, Article 2.5)

c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

No Impact—The project will not substantially degrade the existing visual character or quality of public views of the site and its surroundings. The land uses are commercial/industrial and residential where the roadsides are surrounded by scattered grasses and dirt paths in unimproved lots. Pedestrian elements and parking are present in improved areas.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

No Impact—The project description includes pavement rehabilitation, drainage improvements, and Complete Streets elements. The roadway's profile will not be elevated. Most of the work will occur within the state right-of-way, except at the basins on the east side of the highway at Mountain View Road, Muller Road and Dublin Lane. The project will not create a new source of substantial light or glare in the area.

2.1.2 Agriculture and Forest Resources

CEQA Significance Determinations for Agriculture and Forest Resources

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No Impact—No prime, unique, or farmland of statewide importance will be converted to transportation purposes for this project. The project will not conflict with existing zoning for agricultural use, or farming contracts. (Land Vision search, Tax mapping from Kern County Assessor's Office)

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact—The project will not conflict with existing zoning for agricultural use, or farming contracts. All properties acquired for the construction of this project are zoned residential/vacant land. (Land Vision search, Tax mapping from Kern County Assessor's Office)

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

No Impact—The project area is not zoned as forest land or timberland. (Kern County General Plan)

d) Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact—The project will not convert forest land to non-forest use. (Kern County General Plan)

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

No Impact—Total right-of-way in the amount of 2.81 acres will be acquired at Mountain View Road, near Dublin Lane, and at Muller Road for the construction of drainage basins. The Mountain View Road location is zoned residential/vacant land with no structures present. The Dublin Lane parcel is zoned residential/vacant land. No structures are present at this location. The Muller Road parcel is zoned residential. One home and other structures are present on the parcel. Approximately 2.0 acres of right of way would be acquired for Complete Street elements at intersections, and a walking path south of Mountain View Road. No forest land or farmland will be converted.

2.1.3 Air Quality

CEQA Significance Determinations for Air Quality

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.

Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

No Impact—An Air Quality Compliance Memo was prepared in November 2019 for this project. The project is within the jurisdiction of the Kern Council of Governments Regional Transportation Planning Agency and is listed in the 2019 Federal Transportation Improvement Program adopted in December

2018. The project will not conflict with or obstruct the implementation of any applicable air quality plan for the San Joaquin Unified Air Pollution Control District. The project is exempt from the requirement that a conformity determination be made, per 40 Code of Federal Regulations Section 93.126 Table 2, because the project is a pavement rehabilitation project, not a capacity-increasing project. The project does not interfere with the implementation of any traffic control measures.

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

No Impact—An Air Quality Compliance Memo was prepared in November 2019 for this project. The project is in a nonattainment or maintenance area for pollutants. However, construction of the project will not result in a cumulatively considerable net increase of any criteria pollutant. Caltrans has determined that the project is exempt from all project-level conformity requirements because the project is a pavement resurfacing and/or rehabilitation project and not a capacity-increasing project. The project will generate air pollutants temporarily during construction with no permanent impacts.

c) Expose sensitive receptors to substantial pollutant concentrations?

Less Than Significant Impact—According to the Air Quality Compliance Memo, construction activities will generate air pollutants. Exhaust from construction equipment contains hydrocarbons, oxides of nitrogen, carbon monoxide, suspended particulate matter, and odors. For the most part, pollutants will be windblown dust generated during construction activities and will vary daily as construction progresses. Receptors could be exposed, and dust from the project could cause occasional annoyance and complaints from residences along the highway. Caltrans Standard Specifications pertaining to dust control and dust palliative requirements are a part of all construction contracts and should effectively reduce and control emission impacts during construction. Caltrans requires contractors to comply with the Caltrans Standard Specifications for Dust Control and with local air district pollution requirements.

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

No Impact—Receptors could be exposed, and dust from the project could cause occasional annoyance and complaints from residences along the highway but will not adversely affect a substantial number of people. Caltrans Standard Specifications pertaining to dust control and dust palliative requirements are a part of all construction contracts and should effectively reduce and control emission impacts during construction. Caltrans requires

contractors to comply with the Caltrans Standard Specifications for Dust Control and with local air district pollution requirements.

2.1.4 Biological Resources

CEQA Significance Determinations for Biological Resources

Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

Less Than Significant Impact—A Natural Environment Study and a Biological Assessment were prepared for this project in December 2019. There will be no substantial adverse effect, directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service as a result of the construction of this project.

The project area is a highly disturbed area, composed mostly of rural agricultural and semi-urban to urban environments. A California Natural Diversity Database query of the project area did not identify any natural communities of special concern. No designated critical habitat for federally listed species exists in the project area.

Biological surveys were conducted in February, April and September 2019 to assess potential habitats and inventory animal species within the project area. Potential habitat was identified for the burrowing owl (*Athene cunicularia*), Swainson's hawk (*Buteo swainsoni*), San Joaquin kit fox (*Vulpes macrotis mutica*), and American badger (*Taxidea taxus*). No listed species were seen in the project area during surveys. A known recent 2019 occurrence of the San Joaquin kit fox was found within the project area.

Federal species were evaluated, and their effect finding determinations are shown in the following table.

Federal Endangered Species Act Effect Findings

Common Name	Scientific Name	Status	Preliminary Effect Finding
Vernal pool fairy shrimp	<i>Branchinecta lynchi</i>	Federal Threatened	No Effect
California jewelflower	<i>Caulanthus californicus</i>	Federal Endangered	No Effect
Tipton kangaroo rat	<i>Dipodomys nitratoideus nitratoideus</i>	Federal Endangered	No Effect
Southwestern willow flycatcher	<i>Empidonax traillii extimus</i>	Federal Endangered	No Effect
Blunt-nosed leopard lizard	<i>Gambelia silus</i>	Federal Endangered	No Effect
California condor	<i>Gymnogyps californianus</i>	Federal Endangered	No Effect
Delta smelt	<i>Hypomesus transpacificus</i>	Federal Threatened	No Effect
San Joaquin woolly-threads	<i>Monolopia congdonii</i>	Federal Threatened	No Effect
Bakersfield cactus	<i>Optunia treleasei</i>	Federal Endangered	No Effect
San Joaquin adobe sunburst	<i>Pseudobahia peirsonii</i>	Federal Threatened	No Effect
California red-legged frog	<i>Rana draytonii</i>	Federal Threatened	No Effect
Giant garter snake	<i>Thamnophis gigas</i>	Federal Threatened	No Effect
San Joaquin kit fox	<i>Vulpes macrotis mutica</i>	Federal Endangered	May affect, unlikely to adversely affect

Source: Natural Environment Study, December 2019

Project activities such as repaving will take place on previously disturbed paved and graded areas. All additional impacts will take place in the existing Caltrans right-of-way in previously disturbed and compacted soils. Permanent impacts due to the shoulder widening are considered minimal due to their small extent and proximity to the heavily traveled highway. Trenching, boring, drainage basins and staging areas occurring outside the existing roadway will be surveyed prior to disturbance. Avoidance and minimization measures for each species are described below.

San Joaquin Kit Fox

Caltrans determination for the project is “may affect, not likely to adversely affect” for the San Joaquin kit fox. Caltrans initiated informal consultation with the U.S. Fish and Wildlife Service in January 2020. //Caltrans received a Letter of Concurrence from the U.S. Fish and Wildlife Service in support of this determination. The Letter of Concurrence, dated May 21, 2020, is provided in Appendix D of this document.// The project is not likely to permanently impact San Joaquin kit foxes or their habitat. No night work or k-rail will be used for the project, which will minimize the potential for disturbance from construction noise and lights, as well as barrier to movement. With implementation of the following avoidance and minimization measures, no direct impacts to the San Joaquin kit fox are anticipated.

1. Project-related vehicles will observe a daytime speed limit of 10 miles per hour throughout the site in all project areas, except on county roads and state and federal highways outside of the project area. Off-road traffic outside of designated project areas will be prohibited.
2. To prevent inadvertent entrapment of kit foxes or other animals during the construction phase of the project, all excavated, steep-walled holes or trenches more than 2 feet deep will be covered at the close of each working day by plywood or similar materials. If the trenches cannot be closed, one or more escape ramps constructed of earthen-fill or wooden planks will be installed. Such holes will be thoroughly inspected for trapped animals before being filled. If at any time an injured or entrapped kit fox is discovered, the U.S. Fish and Wildlife Service and California Department Fish and Wildlife will be notified.
3. All construction pipes, culverts, or similar structures with a diameter of 4 inches or greater stored at a construction site for one or more overnight periods will be thoroughly inspected for kit foxes before the pipe is subsequently buried, capped, or otherwise used or moved in any way. If a kit fox is discovered inside a pipe, that section of pipe will not be moved until the U.S. Fish and Wildlife Service has been consulted and the animal has relocated on its own accord. If necessary, and under direct supervision of a qualified biologist, the pipe may be moved only once to remove it from the path of construction activity, until the fox has escaped.
4. All food-related trash items such as wrappers, cans, bottles, and food scraps will be disposed of in securely closed containers and removed daily from the project site.
5. No pets will be permitted on the project site to prevent harassment, mortality of kit foxes, or destruction of dens.
6. New sightings of kit foxes will be reported to the California Natural Diversity Database. A copy of the reporting form and a topographic map clearly marked with the location of where the kit fox was observed will also be provided to the U.S. Fish and Wildlife Service.
7. //Pre-activity clearance surveys for kit foxes would be completed at and within 250 feet of the project footprint, and at least 14 days prior to but no more than 30 days before the initiation of project activities. A letter report and map of potential and known kit fox dens will be submitted to the U.S. Fish and Wildlife Service.//
8. //If dens or potential dens are detected within the project footprint during pre-activity surveys, Caltrans will coordinate with the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife to determine how to proceed.//

9. **Environmental Awareness Training Program:** A biologist will conduct an environmental awareness training for all construction crew members before ground-disturbing activities. The purpose of this training is to inform construction crew members of the potential for kit foxes to occur at the project site and be affected by construction activities. The training will be repeated to all new crew members. Following the training, crew members will sign attendance sheets stating that they attended the training and understand the protection measures and construction restrictions. Training materials and attendance records will be submitted to the U.S. Fish and Wildlife Service.

Burrowing Owl

Surveys were conducted in February, April, and September 2019. Potential habitat was observed at the basin locations, as well as outside the agriculturally dominated areas. No owls or potential burrows were observed in the project area. One burrowing owl sighting occurred 1.3 miles from the project in 2007. With the implementation of avoidance and minimization measures, no direct impacts to this species are anticipated. The construction of the project is not likely to permanently impact burrowing owls or their habitat.

Prior to initiating project activities, a biologist will conduct a survey for special-status species, including the burrowing owl, in the project area. Buffers will be enforced if burrowing owls are found. No disturbance would occur within 160 feet of occupied burrows during the non-breeding season (September 1 to January 31) or within 250 feet during the breeding season (February 1 to August 31) without the presence of a biological monitor. Once applied, nesting season disturbance buffers will remain in place until a biologist verifies that juveniles are foraging independently and are capable of independent survival.

Swainson's Hawk

Surveys were conducted in February, April, and September 2019. Potential habitat was observed outside the project area in landscaped trees and orchards. No nests were observed during surveys. Construction of the project is not likely to permanently impact Swainson's hawks or their habitat. With implementation of avoidance and minimization measures, no direct impacts to the Swainson's hawk are anticipated. Prior to initiating project activities, a Caltrans biologist will conduct a survey for nesting birds, including the Swainson's hawk. If the species is found in the project area, no-disturbance buffers will be enforced around active nests as detailed below:

1. No disturbance will occur within 500 feet of active occupied nests during the nesting season (February 1 to September 30) without the presence of a biological monitor. Nesting season no-disturbance

buffers will remain in place until a biologist determines that juveniles have fledged the nest and are capable of independent survival.

2. A worker environmental awareness training that includes information on identification and avoidance of sensitive wildlife species will be required for all personnel.

American Badger

Surveys were conducted in February, April, and September 2019. Potential habitat was observed outside the project area in empty lots, orchards, and fallow agricultural fields. No dens were observed during surveys. The project is not likely to permanently impact American badgers or their habitat.

Prior to initiating construction activities, a Caltrans biologist will conduct a general preconstruction survey for the American badger. The survey will focus on areas where activities include trenching, boring, excavation for drainage basins, and staging areas outside the existing right-of-way. If American badgers are found, no-disturbance buffers will be enforced around active dens as detailed below:

1. No disturbance will occur within 100 feet of active occupied dens without the presence of a biological monitor.
2. A worker environmental awareness training that includes information on identification and avoidance of sensitive wildlife species will be required for all personnel.

Migratory Birds

Surveys were conducted in February, April, and September 2019. With implementation of avoidance and minimization measures, impacts to migratory birds are not expected to occur as a result of project construction.

If removal of trees is deemed necessary, either removal will occur outside of the nesting season (February 1 to September 30) or the trees will be inspected and cleared by a qualified biologist prior to removal.

A preconstruction survey for migratory birds within the study area will be conducted before the start of construction. If an active nest is detected, an environmental sensitive area around the nest site may be established to prevent nesting disturbance. Work may be temporarily suspended if nesting activity cannot be prevented. Standard specifications will be included in the construction bid package to avoid impacts to migratory birds.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

No Impact—There will be no temporary or permanent impacts to any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. A California Natural Diversity Database query of the project area did not identify any natural communities of special concern in the project area. No designated critical habitat for federally listed species exists in the project area.

c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

No Impact—There will be a no adverse effect on any state or federally protected wetlands as a result of construction of the project.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

No Impact—The project will not interfere with the movement of any native resident or migratory fish or wildlife species or with the established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites. According to the Natural Environment Study, the project site does not contain suitable habitat for any fish species. There are no migration corridors present in the biological study area, and there are no impacts to habitat connectivity. The project area is highly disturbed due to human disturbance, such as traffic, litter, commercial properties, agricultural lands, and residential housing. In addition, no night work or k-rail is anticipated for this project, which will minimize the potential for disturbance from construction noise and lights, as well as barriers to movement.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

No Impact—The project does not conflict with any local policy or ordinance protecting biological resources, such as a tree preservation policy or ordinance.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No Impact—The project will not conflict with the provisions of any Habitat Conservation Plans, Natural Community Conservation Plans, or other approved local, regional, or state habitat conservation plans.

2.1.5 Cultural Resources

CEQA Significance Determinations for Cultural Resources

Would the project:

a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?

and

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

No Impact—A Historic Property Survey Report and accompanying technical studies were prepared in January 2020 in compliance with the *Memorandum of Understanding between the California Department of Transportation and the California State Historic Preservation Officer Regarding Compliance with Public Resources Code Section 5024 and the Governor's Executive Order W-26-92*.

All identification efforts, including an archaeological survey, record searches, and consultation, indicated that there are two historical resources/historic properties (for the purposes of the project) within the project area limits. Two railroad lines are assumed to be historic properties/historical resources for the purposes of this project only. These two resources are currently owned and operated by the Union Pacific Railroad Company (at the north end of the project area) and by the San Joaquin Valley Railroad Company/Union Pacific (at the south end of the project area). These resources are assumed to be eligible for the purposes of the project and will not be adversely affected by construction of the project. //Caltrans prepared a Finding of No Adverse Effect in August 2020. On October 7, 2020, Caltrans Cultural Studies Office Branch Chief David Price emailed the State Historic Preservation Officer to say that Caltrans is moving forward with the undertaking pursuant to Stipulation X.B.2.b of the Section 106 Programmatic Agreement because 30 days have passed with no objections from their office. Consultation is completed.//

A single-family residential property at 3301 Weedpatch Highway was formally evaluated for the National Register of Historic Places and the California Register of Historical Resources. Documentation of a formal evaluation of the property was sent to the State Historic Preservation Officer for review. The State Historic Preservation Officer concurred on February 26, 2020 that the property was not an historical resource under CEQA nor eligible for the National Register of Historic Places. See the State Historic Preservation Officer's concurrence letter in Appendix B.

No other resources were identified within the project action limits as a result of all efforts to identify significant cultural resources.

In compliance with federal regulations, 36 Code of Federal Regulations Part 800.11, the Historic Property Survey Report and attachments were provided to the City of Bakersfield and the County of Kern planning departments for a 30-day review period. No comments have been received from the City of Bakersfield or County of Kern staff.

c) Disturb any human remains, including those interred outside of dedicated cemeteries?

No Impact—There are two closed cemeteries within 5 miles of the project area: Hillcrest Memorial Park in Bakersfield, about 2 miles north of the project limits, and South Kern Cemetery in Weedpatch, about 4 miles south of the project limits. The project will not disturb any human remains, including those interred outside of dedicated cemeteries. If human remains are discovered, State Health and Safety Code Section 7050.5 states that further disturbances and activities must stop in any area or nearby area suspected to overlie the remains, and the local coroner will be contacted. Pursuant to California Public Resources Code Section 5078.98, if the remains are thought to be Native American, the coroner will notify the Native American Heritage Commission, which will then notify the most likely descendent.

2.1.6 Energy

CEQA Significance Determinations for Energy

Would the project:

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

No Impact—Construction activities will result in a temporary increase in energy consumption, but not significantly. The increase may be offset over time by the improvements proposed in the project area. The project is a pavement rehabilitation and drainage improvement project. Construction of the project may result in improved highway operations, smoother pavement surfaces, reduced emissions, and reduced energy consumption.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

No Impact—The Kern County General Plan's Energy Element defines energy-related issues in the county and identifies goals, policies and implementation measures to protect energy resources. The project will not conflict with a state or local plan for renewable energy or energy efficiency.

2.1.7 Geology and Soils

CEQA Significance Determinations for Geology and Soils

Would the project:

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?

No Impact—According to the Alquist-Priolo Earthquake Fault Zoning Map webpage, the project area is not in an Earthquake Fault Zone. The closest fault zones are the Edison Fault and the White Wolf Fault Zone, both about 10 miles outside the project area.

ii) Strong seismic ground shaking?

No Impact—According the Department of Conservation webpage, earthquake shaking potential in the project area, which is fairly distant from known active faults, will experience lower levels of shaking less frequently.

iii) Seismic-related ground failure, including liquefaction?

No Impact—According the California Department of Conservation earthquake zones, the project area is not in a liquefaction zone.

iv) Landslides?

No Impact—According the California Department of Conservation earthquake zones webpage, the project area is not in a landslide zone.

b) Result in substantial soil erosion or the loss of topsoil?

No Impact—Construction of the project will not result in substantial soil erosion or the loss of topsoil. A National Pollutant Discharge Elimination System permit with best management practices will be in place to reduce erosion and loss of topsoil. All areas disturbed during construction will be treated with a native erosion control seed mix.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

Less Than Significant Impact—Kern County is seismically active, but according the Department of Conservation webpage, the project area on

State Route 184 near Lamont, California is not in a landslide zone or a liquefaction zone and is not within an active fault. Earthquake shaking potential at the project area is low.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

No Impact—The Caltrans soil investigation in September 2019 determined the project area's soil type as Silty Sand/Sand Silt Mixtures. The soil is not an expansive, clay-type soil. Construction of the project will not create substantial direct or indirect risks to life or property.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

No Impact—The project will not create waste water and will not affect soils incapable of adequately supporting the use of septic tanks.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

No Impact—A Paleontological Identification Report was prepared in November 2019. According to the evaluation, a high potential paleontological resource exists within this stretch of State Route 184. The high potential sediments consist of the upper Miocene to Pleistocene Kern River Formation and are estimated to be present at a depth greater than the maximum depth of excavation associated with project (greater than 6 feet). As a result, significant fossils are not likely to be encountered.

2.1.8 Greenhouse Gas Emissions

CEQA Significance Determinations for Greenhouse Gas Emissions

Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

and

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Less Than Significant Impact—A pavement rehabilitation project generally causes minimal or no increase in operational greenhouse gas emissions. Because the project activities will not increase the number of travel lanes on State Route 184, no increase in vehicle miles traveled will occur as a result of

project implementation. However, construction greenhouse gas emissions will result from material processing, on-site construction equipment, and traffic delays. These emissions will be produced at different levels throughout construction. Their frequency and occurrence can be reduced through innovations in plans and specifications and by implementing better traffic management during construction phases.

All construction contracts include Caltrans Standard Specifications Sections 7-1.02A and 7-1.02C, Emissions Reduction, which require contractors to comply with all laws applicable to the project and to certify they are aware of and will comply with all Air Resources Board emission reduction regulations, and Section 14-9.02, Air Pollution Control, which requires contractors to comply with all air pollution control rules, regulations, ordinances, and statutes. Certain common regulations, such as equipment idling restrictions to reduce construction vehicle emissions, also help reduce greenhouse gas emissions.

The project does not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases. The project is within the jurisdiction of the Kern Council of Governments Regional Transportation Planning Agency. The project is included in the Regional Transportation Plan/Sustainable Communities Strategy.

2.1.9 Hazards and Hazardous Materials

CEQA Significance Determinations for Hazards and Hazardous Materials

Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

No Impact—An Initial Site Assessment was performed in December 2019 to determine the presence of recognized environmental conditions and potential environmental concerns within the project area with regard to hazardous waste. Construction of the project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous waste. If there is disposal of hazardous materials, project-specific Standard Special Provisions will be implemented for proper handling and disposal of hazardous material/waste.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Less Than Significant Impact—The project will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the

environment. Best management practices and Standard Special Provisions and/or Non-Standard Special Provisions will be implemented for proper handling and disposal of hazardous substances and waste.

//A Preliminary Site Investigation was performed in April 2020 at the basin and storage ditch locations to determine if the parcels are negatively impacted by petroleum hydrocarbons, pesticides, asbestos, and/or heavy metals. The investigation was to ensure that a hazardous waste is not encountered. Low levels of organochlorine pesticides were detected; however, residual organochlorine pesticides are not likely present in shallow soils that would be of concern or exceed regulatory health-based screening thresholds for commercial/industrial land use.//

An aerially deposited lead study was performed because there will be work off the paved shoulder next to State Route 184, and excess soil will be generated. Regulated soils could be used on-site per the Department of Toxic Substances Control Aerially Deposited Lead-Contaminated Soil Agreement, provided all requirements are met or soils are disposed of at the appropriate permitted landfill. Non-regulated/non-hazardous soil could be disposed of or relinquished to the contractor without restriction.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Less Than Significant Impact—Lamont Elementary School sits on the northwest corner of Palm Avenue and State Route 184 where project activities will improve the curb ramp; other curb ramps will be improved throughout the project limits. Curb ramp soil excavations are not expected to go deeper than 6 inches. Standard specifications and Standard Special Provisions will be provided. There is a low risk for encountering hazardous waste at curb ramp locations.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

Less Than Significant Impact—Caltrans conducted studies and prepared an Initial Site Assessment for the project in December 2019. Caltrans searched the following California Environmental Protection Agency Data Resources, commonly referred to as the Cortese list, for this project:

- EnviroStore database, List of Hazardous Waste and Substances sites, Department of Toxic Substances Control
- GeoTracker database, List of Leaking Underground Storage Tank sites, State Water Resources Control Board

- Sites Identified with Waste Constituents Above Hazardous Waste Levels Outside the Waste Management Unit, State Water Resources Control Board
- List of Active Cease and Desist Orders and Cleanup and Abatement Orders, State Water Resources Control Board
- List of hazardous waste facilities subject to corrective action, Department of Toxic Substances Control
- Solid Waste Information System, Department of Resources Recycling and Recovery (Cal-Recycle)
- California Environmental Protection Agency Regulated Sites database

See the compiled Cortese site list in the following table. Eight sites are on the Cortese list within the project area. Seven cases have been closed, and one is still an open case with the Central Valley Regional Water Quality Control Board. Caltrans is not acquiring any of the Cortese listed sites. Though work will be performed next to some of the listed sites, there is low risk for encountering hazardous waste.

Cortese List Sites Within Project Area

Site	Status
Unocal Service Station	Case closed November 23, 1998
Nunez Liquors	Case closed October 23, 1989
Kern County Farms	Case closed following unspecified remediation on May 31, 1990
Prado Auto Care	Case closed October 6, 1992
Beacon #490	Case closed October 19, 1990
Main Street Market	Case closed October 19, 1990
Highway 58 Fuel Stop (QuickStop)	Case closed December 15, 1998
Kern Oil and Refining	Open active case with Central Valley Regional Water Quality Control Board

Source: Hazardous Waste Initial Site Assessment, December 2019

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

No Impact—The project will not affect any airport land use plan or result in an airport-related safety hazard for people residing or working in the project area. The closest airport or air strip is about 5 miles away.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

No Impact—Project construction will not impair implementation of or interfere with any adopted emergency response plan or emergency evacuation plan. A

Transportation Management Plan will be in place to handle traffic emergencies, lane closures, and traffic control devices. During construction, at least one lane will be open at all times for fire and ambulance services during emergencies.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

No Impact—The project area is not in a very high fire hazard severity zone. (California Department of Forestry and Fire Protection, Fire and Resource Assessment Program)

2.1.10 Hydrology and Water Quality

CEQA Significance Determinations for Hydrology and Water Quality

Would the project:

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

No Impact—A Water Quality Report was prepared in November 2019. The project will not violate any water quality standard or waste discharge requirements. Best management practices will be implemented in accordance with the Project Planning and Design Guide. The contractor, as required in Caltrans Standard Specification Section 13.1, must address all potential water impacts that may occur during construction.

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

No Impact—The project will improve drainage within the project area, which is prone to flooding where sediment runoff (mud) is left on the highway after heavy rains. Three basins with storage ditches will be constructed to intercept runoff before it reaches the highway. Groundwater will not be affected by the project. By incorporating accepted engineering practices and best management practices, the project will not produce significant impacts to water quality.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i) Result in substantial erosion or siltation on-site or off-site;

Less Than Significant Impact—//The project will disturb approximately 2.81 acres for the construction of three basins and storage ditches.// A Notification of Intent will be submitted to the Regional Water Quality Control Board before

construction. A Stormwater Pollution Prevention Plan will be prepared and implemented during construction. A Notice of Termination will be submitted to the Regional Water Quality Control Board upon completion of construction and site stabilization. Any removal of vegetation from construction will be minimal. All areas disturbed during construction will be treated with an erosion control seed mix, consisting of native species for the project area.

ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; or

iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or

iv) Impede or redirect flood flows?

ii-iv) No Impact—The project is a pavement rehabilitation and drainage improvement project. The project will not substantially increase the rate or amount of surface runoff that will result in flooding in the project area. The project area is prone to flooding that leaves sediment on the highway after heavy rains. The project will improve surface runoff and drainage systems within the project area with the construction of storage ditches and three basins. The project will increase the capacity of the stormwater drain systems and alleviate flooding.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

No Impact—The project is not in a flood hazard, tsunami, or seiche zone. The project does not constitute a significant floodplain encroachment as defined in 23 Code of Federal Regulations, Section 650.105(q).

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

No Impact—The project will not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. The contractor will be responsible for preparing a Stormwater Pollution Prevention Plan before construction.

2.1.11 Land Use and Planning

CEQA Significance Determinations for Land Use and Planning

Would the project:

a) Physically divide an established community?

No Impact—This type of project—a pavement rehabilitation and drainage improvement project—will not divide an established community.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

No Impact—There are no significant environmental impacts with the project. The project does not conflict with the Kern County Regional Transportation Plan, where the project is listed. The project will rehabilitate the pavement, improve drainage, and provide Complete Streets elements on this stretch of State Route 184.

2.1.12 Mineral Resources

CEQA Significance Determinations for Mineral Resources

Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?

a-b) No Impact—The project will not result in the loss of availability of a known mineral resource that is of value to the region and the residents of the state. The project area is not in land that is classified as a Mineral Resource Zone for Kern County, California. (California Department of Conservation Mineral Land Classification mapping, Data Basin website, Google Earth)

2.1.13 Noise

CEQA Significance Determinations for Noise

Would the project result in:

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

b) Generation of excessive groundborne vibration or groundborne noise levels?

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

a-c) No Impact—A Noise Compliance Memo was prepared in November 2019. There will be no substantial temporary or permanent increase in ambient noise levels in the project area. No adverse noise impacts from construction are anticipated because construction will be conducted in accordance with Caltrans Standard Specifications Section 14-8.02. Construction noise will be short term, intermittent, and overshadowed by local traffic noise. Measures will be implemented to minimize the temporary noise impacts from construction. There will be no excessive groundborne vibration or groundborne noise during construction. The contractor, as directed by Caltrans, will implement appropriate additional noise measures, including relocating stationary construction equipment, turning off idling equipment, rescheduling construction activity, notifying adjacent residents in advance of construction work, and installing acoustic barrier around stationary construction noise sources.

The closest airport or air strip is 5 miles away. The project will not expose people to excessive noise levels.

2.1.14 Population and Housing

CEQA Significance Determinations for Population and Housing

Would the project:

a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

No Impact—The project will not induce population growth in the area. The project is a pavement rehabilitation project that will improve drainage in the area; it is not a capacity-increasing project.

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact—Minimal right-of-way acquisition is proposed for the project. //Approximately 4.9 acres will be purchased for the construction of three basins and Complete Streets elements.// The properties are zoned as residential (no homes will be acquired), vacant land, and commercial/industrial.

2.1.15 Public Services

CEQA Significance Determinations for Public Services

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain

acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?

Police protection?

Schools?

Parks?

Other public facilities?

No Impact—The project will not result in unacceptable service ratios, response times, or other performance objectives for any public services. No lanes will be closed during construction. A Traffic Management Plan will be prepared prior to construction. There will be no impacts to emergency service times for fire or police, and no impacts to performance objectives of schools, parks, or other public facilities.

2.1.16 Recreation

CEQA Significance Determinations for Recreation

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

No Impact—The project will not increase the use of existing neighborhood and regional parks or other recreational facilities so that substantial physical deterioration of the facility will occur or be accelerated. Complete Streets elements, including //bus turnouts, // sidewalks, bike lanes, and crosswalks, will be constructed within the Caltrans right-of-way. Because the roadsides are composed mostly of scattered grasses and dirt paths in unimproved lots, the project will improve the pedestrian and recreation uses.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

No Impact—Complete Streets elements, including //bus turnouts, // sidewalks, bike lanes, and crosswalks, will be constructed within the Caltrans right-of-way. The project work will not include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment.

2.1.17 Transportation

CEQA Significance Determinations for Transportation

Would the project:

a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

No Impact—The project does not conflict with the Kern County Regional Transportation Plan, where the project is listed. The project will rehabilitate the pavement, improve drainage, and provide Complete Streets elements on this stretch of State Route 184.

b) Conflict with or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?

No Impact—The project will not increase vehicle miles traveled or conflict with CEQA Guidelines Section 15064.3, subdivision (b). The project will rehabilitate the deteriorating pavement and improve drainage in the project area; it is not a capacity-increasing project. A Notice of Preparation will not be issued because Caltrans is not preparing an Environmental Impact Report for the project.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

No Impact—The project will not substantially increase hazards due to a geometric design feature or incompatible uses. The project will rehabilitate the deteriorating pavement and improve drainage in the project area only.

d) Result in inadequate emergency access?

No Impact—The project will not result in inadequate emergency access or response times. No lanes will be closed during construction, and no night work will occur. A Traffic Management Plan will be prepared prior to construction. Caltrans will work closely with emergency service providers to provide information on construction.

2.1.18 Tribal Cultural Resources

CEQA Significance Determinations for Tribal Cultural Resources

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or

No Impact—//Native American tribes were contacted throughout the environmental process, and no comments have been received from any Native American tribe, group, or individual. It is Caltrans policy to consult with members of the Native American community throughout the life of the project.

Consultation efforts were initiated in 2018 with a request to the Native American Heritage Commission to conduct a Traditional Cultural Property database search and provide a list of Native American groups and individuals that have an interest in the project area. The Native American Heritage Commission provided Caltrans with a list of four tribes who were contacted: Kern Valley Indian Community, Tejon Indian Tribe, Santa Rosa Rancheria, and Tule River Indian Reservation. No responses to identify concerns were received.

Project revisions required Caltrans to update consultation efforts and, in May 2020, tribal outreach was extended to nine tribes: Big Pine Paiute Tribe of Owens Valley, Chumash Council of Bakersfield, Kern Valley Indian Community, Kitanemuk and Yowlumne Tejon Indians, San Manuel Band of Mission Indians, Tubatulabals of Kern Valley, Wukakche Indian Tribe/Eshom Valley Band, Santa Rosa Rancheria, Tule River Indian Reservation, and the Tejon Indian Tribe.

In July 2020, Caltrans added Complete Streets elements to the project and conducted additional surveys at the basin locations. A Supplemental Historic Property Survey Report was prepared, and Native American tribal representatives were notified about the changes in the project Area of Potential Effects on July 14, 2020: Kern Valley Indian Community, Tejon Indian Tribe, Santa Rosa Rancheria, Tule River Indian Reservation, and Wuksacchi Indian Tribe/Eshom Valley Band. The consultation list was reduced to reflect the interest of the local tribes with immediate knowledge of the area.

As of November 2020, no comments have been received. Ongoing Native American coordination has been conducted for the project and will continue as the project progresses.//

b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

No Impact—No tribal resources were determined to be significant by Caltrans.

2.1.19 Utilities and Service Systems

CEQA Significance Determinations for Utilities and Service Systems

Would the project:

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

No Impact—The project will construct new basins on the east side of State Route 184 at three locations—Mountain View Road, Dublin Lane, and Muller Road—to alleviate flooding problems. Storage ditches will be constructed throughout the project area. The project will relocate aerial utilities and possible gas lines currently crossing State Route 184. The relocation of utilities or the construction of drainage systems will not result in significant environmental effects.

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

and

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

b-e) No Impact—Water supplies will not be impacted during construction or as a result of construction of the project. Wastewater treatment providers or their operations will not be impacted by the project. The project will not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

2.1.20 Wildfire

CEQA Significance Determinations for Wildfire

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- a) Substantially impair an adopted emergency response plan or emergency evacuation plan?
- b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?
- c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?
- d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

a-d) No Impact—The project area is not classified as a very high fire hazard severity zone or a State Responsibility Area, according to the CalFire webpage.

2.1.21 Mandatory Findings of Significance

CEQA Significance Determinations for Mandatory Findings of Significance

- a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

No Impact—The project does not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, or substantially reduce the number or restrict the range of a rare or endangered plant or animal. (Natural Environment Study and Biological Assessment prepared in December 2019)

The project will not eliminate important examples of major periods of California history or prehistory. A Historic Property Survey Report was prepared in January 2020 in compliance with the *Memorandum of Understanding between the California Department of Transportation and the California State Historic Preservation Officer Regarding Compliance with Public Resources Code Section 5024* and the Governor's Executive Order W-26-92. Two railroad lines are assumed to be historic properties/historical resources for the purposes of this project only. These two resources are assumed to be eligible for the purposes of this project only and will not be adversely affected by construction of the project. //Caltrans prepared a Historic Property Survey Report with attachments documenting a Finding of No Adverse Effect in August 2020. On October 7, 2020, Caltrans Cultural Studies Office Branch Chief David Price emailed the State Historic Preservation Officer to say that Caltrans is moving forward with the undertaking pursuant to Stipulation X.B.2.b of the Section 106 Programmatic Agreement because 30 days have passed with no objections from their office. The State Historic Preservation Officer consultation is completed.//

A single-family residential property was formally evaluated for the National Register of Historic Places and the California Register of Historical Resources. Documentation of the formal evaluation of the property was sent to the State Historic Preservation Officer for review, and the State Historic Preservation Officer concurred on February 26, 2020 that the property was not an historical resource under CEQA nor eligible for the National Register of Historic Places.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

No Impact—The project will not have impacts that are individually limited, but cumulatively considerable. The project will rehabilitate pavement and improve drainage systems and will not induce cumulative impacts.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

No Impact—The project area consists of mostly rural, commercial, industrial and residential uses. The project activities will improve drainage and rehabilitate the pavement and incorporate Complete Streets elements to accommodate motorists and pedestrians within the project area. The project will not create environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly.

Appendix A Title VI Policy Statement

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

Gavin Newsom, Governor

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE DIRECTOR
P.O. BOX 942873, MS-49
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Making Conservation
a California Way of Life.

November 2019

NON-DISCRIMINATION POLICY STATEMENT

The California Department of Transportation, under Title VI of the Civil Rights Act of 1964, ensures *"No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance."*

Related federal statutes, remedies, and state law further those protections to include sex, disability, religion, sexual orientation, and age.

For information or guidance on how to file a complaint, or obtain more information regarding Title VI, please contact the Title VI Branch Manager at (916) 324-8379 or visit the following web page:
<https://dot.ca.gov/programs/business-and-economic-opportunity/title-vi>.

To obtain this information in an alternate format such as Braille or in a language other than English, please contact the California Department of Transportation, Office of Business and Economic Opportunity, at 1823 14th Street, MS-79, Sacramento, CA 95811; (916) 324-8379 (TTY 711); or at Title.VI@dot.ca.gov.

A blue ink signature of Toks Omishakin, consisting of a stylized 'T' followed by a series of loops and a horizontal line.

Toks Omishakin
Director

"Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability"

Appendix B State Historic Preservation Officer Concurrence Letter



State of California • Natural Resources Agency

Gavin Newsom, Governor

**DEPARTMENT OF PARKS AND RECREATION
OFFICE OF HISTORIC PRESERVATION**

Lisa Ann L. Mangat, Director

Julianne Polanco, State Historic Preservation Officer
1725 23rd Street, Suite 100, Sacramento, CA 95816-7100
Telephone: (916) 445-7000 FAX: (916) 445-7053
calshpo.ohp@parks.ca.gov www.ohp.parks.ca.gov

February 26, 2020

VIA EMAIL

In reply refer to: FHWA_2020_0127_001

Mr. John Thomas
Central California Cultural Resources Branch
Caltrans District 6
855 M Street, Suite 200
Fresno, CA 93721

Subject: Determination of Eligibility for the Proposed Weed Patch 3R Rehabilitation
Undertaking, Kern County, CA

Dear Mr. Thomas:

Caltrans is initiating consultation regarding the above project in accordance with the January 1, 2014 *First Amended Programmatic Agreement Among the Federal Highway Administration (FHWA), the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California* (PA). As part of your documentation, Caltrans submitted a Historic Property Survey Report (HPSR), Historical Resources Evaluation Report, and Archaeological Survey Report for the proposed project.

Caltrans proposes to resurface, restore, and rehabilitate SR 184 (Weed Patch Highway/Main Street) in Eastern Bakersfield, Kern County. The precise stretch of highway to be improved begins at the southern end of the unincorporated town of Lamont and ends just north of the intersection of SR 58 and SR 184. The specific improvements include the repaving of the highway to provide long-term service; the installation of features to facilitate and capture runoff; the construction of basins (5 to 20 feet deep) to contain water runoff; the upgrading of extant shoulders, curbs and sidewalks; and the installation of new shoulders, curbs and sidewalks. The project requires right-of-way acquisition and temporary construction easements. A complete description of the changes to the project and the area of potential effect boundaries are located on pages 1-2 of the HPSR.

Mr. Thomas
February 26, 2020
Page 2 of 2

FHWA_2020_0127_001

Pursuant to Stipulation VIII.C.6 of the PA, Caltrans determined that 3301 Weedpatch Highway is not eligible for the National Register of Historic Places (NRHP).

Based on review of the submitted documentation, I concur.

If you have any questions, please contact Natalie Lindquist at (916) 445-7014 with e-mail at natalie.lindquist@parks.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Julianne Polanco', with a long horizontal stroke extending to the right.

Julianne Polanco
State Historic Preservation Officer

Appendix C Comments and Responses

This appendix contains comments received during the public review period between May 8, 2020 and June 8, 2020 for the draft environmental document. Caltrans received comments from the California Department of Fish and Wildlife, the Native American Heritage Commission, and the Department of Toxic Substances Control. No comments were received from the general public.

A Caltrans response, shown within double slashes (two slashes start the Caltrans response and two slashes come at the end of the response), follows each comment within the comment letters in this section. Related information is incorporated, where appropriate, into the body of this final environmental document.

Note: The comment letters are stated verbatim, with acronyms, abbreviations and any original grammatical or typographical errors. Be aware that some passages may also include internet paths (addresses) that contain a double slash; do not confuse that structure with the Caltrans responses that are set apart by double slashes.

Comment Letter A. California Department of Fish and Wildlife

June 4, 2020

Som Phongsavanh
California Department of Transportation, District 6
855 M Street, Suite 200
Fresno, CA 93721

Subject: Weedpatch Highway Rehabilitation Project (Project)
Initial Study with proposed Negative Declaration
State Clearinghouse No. 2020059007

Comment 1:

Issue: The Project activities will involve varying degrees of ground disturbance and the staging and laydown of equipment and materials at discreet locations along the eight-mile segment of SR 184. Some of the Project activities may constitute a novel disturbance sufficient to cause denning SJKF to abandon their dens causing increased susceptibility to predation and potentially resulting in abandoned pups during the pupping season. Caltrans proposes pre-activity clearance surveys of the Project footprint between 14 and 30 days of commencing project activities, the daily inspection of deep trenches and steep-walled holes within the project footprint, and the inspection of pipes greater than three inches in diameter prior to burying, capping, or moving in any way. However, Caltrans does not propose surveying for SJKF dens beyond the Project footprint. Further, while Caltrans proposes consulting with USFWS in the event individual SJKF are detected during these surveys and/or inspections, Caltrans does not propose consulting with CDFW.

Specific Impacts: While CDFW agrees with Caltrans' plans to conduct pre-activity surveys and daily inspections of trenches, ditches, and materials at the Project footprint, CDFW recommends the pre-activity surveys be done to detect individuals and dens beyond the limits of the Project footprint. Additionally, CDFW recommends Caltrans consult with CDFW in the event individual SJKF or SJKF dens are detected during the surveys and/or inspections.

Evidence impact would be significant: While habitat loss resulting from agricultural, urban, and industrial development is the primary threat to SJKF (Cypher et al., 2013) disturbance in proximity to a den can result in unsuccessful pupping and cause individuals to become more susceptible to predation. Both results of the Project-related disturbance could constitute significant impacts to the species.

Recommended Potentially Feasible Avoidance and Mitigation Measure(s)

Because SJKF are known to occur in the general vicinity of the Project footprint and because dens could be present outside the Project footprint but sufficiently near the Project footprint to be affected by the Project-related activities, CDFW recommends the following edits to the SJKF avoidance and minimization measure section of the IS. Further, CDFW recommends these revised measures to be made conditions of Project approval.

Recommended Edits to Avoidance and Minimization Measures No. 7 and No. 8 for SJKF on page 14 of the IS.

CDFW recommends the pre-activity clearance surveys for SJKF be conducted to identify SJKF dens **and within 250 feet of the Project footprint**, and that Caltrans coordinate with USFWS and CDFW in the event that individuals and/or dens are detected during these surveys. These surveys can be limited to 100 feet beyond the Project footprint if work commences outside the pupping season. Through the aforementioned coordination, CDFW will recommend a 250-foot no disturbance buffer around natal dens, a 100-foot no disturbance buffer around known dens, and a 50-foot no-disturbance buffer around potential or atypical dens, and absolutely no disturbance to the dens within the above buffers without contacting CDFW and obtaining written authorization to do so. If the aforementioned edits to the existing avoidance and minimization measures are not made, and/or the aforementioned buffers are not feasible, CDFW recommends Caltrans obtain incidental take coverage under Section 2081(b) of Fish and Game Code and that this be specified in the revised IS, and that the revised IS support a Mitigated Negative Declaration. In summary, if the edited avoidance measure is not feasible, mitigation (take authorization) would be required to reduce to less-than-significant the unavoidable Project-related impacts on SJKF.

//Caltrans Response to Comment 1:

Caltrans concurs and will include language in the avoidance and minimization measures to clarify that preconstruction surveys for the San Joaquin kit fox will be conducted within 250 feet of the project footprint. The following San Joaquin kit fox avoidance and minimization measures items 7 and 8 have been updated. See CEQA Environmental Checklist, Biology, of this document:

7. Pre-activity clearance surveys for kit foxes would be completed at and within 250 feet of the project footprint, and at least 14 days prior to but no more than 30 days before the initiation of project activities. A letter

report and map of potential and known kit fox dens will be submitted to the U.S. Fish and Wildlife Service.

8. If dens or potential dens are detected within the project footprint during pre-activity surveys, Caltrans will coordinate with the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife to determine how to proceed.

Also, Caltrans will coordinate with both the U.S. Fish and Wildlife Service and California Department of Fish and Wildlife in the event individuals or dens are detected within the appropriate buffers during these surveys.//

Comment 2: Swainson's Hawk (SWHA)

Issue: SWHA are known to have nested in the vicinity of the project. The Project activities will involve varying degrees of ground disturbance within the right-of-way and while CDFW agrees that SWHAs in the area may have become habituated to vehicular traffic along the right-of-way and farming activities on the adjoining cropland, CDFW considers it possible that the Project-related activities would represent a novel stimulus which could result in nest abandonment if they occur within ½-mile of an active SWHA nest. The nest abandonment would represent a significant impact to SWHA as well as potentially resulting in take, as it is defined in section 86 of Fish and Game Code.

Specific Impacts: In the IS, Caltrans indicated it will maintain a 500-foot no disturbance buffer from active SWHA nests during Project implementation. However, CDFW considers this 500-foot no disturbance buffer insufficient to avoid take of SWHA. Therefore, CDFW does not agree that the proposed 500-foot no-disturbance buffer reduces to less-than-significant the potential Project-related impacts to the species.

Evidence impact would be significant: SWHA exhibit high nest-site fidelity year after year and lack of suitable nesting habitat in the San Joaquin Valley limits their local distribution and abundance (CDFW 2016). Adoption of the ND as it is written will allow activities that will involve ground disturbance, grading, and excavation employing heavy equipment and work crews within 500 feet of active SWHA nests. These activities could negatively affect these nests and have the potential to result in nest abandonment, significantly affecting nesting SWHA.

Recommended Edits to Avoidance and Minimization Measures No. 1 for SWHA on page 15 of the IS.

Currently, under the avoidance the minimization measures section of the IS, Caltrans proposes a 500-foot no-work buffer established around active SWHA nests at and near the Project, unless a biological monitor is present. CDFW recommends Caltrans edit this measure to include protocol level surveys for nesting SWHA if Project-related activities will occur during, or extend into, the SWHA nesting season (February through August). Further CDFW recommends Caltrans require an **unqualified ½-mile no-work buffer** around active SWHA nests until the young have fledged and are no longer reliant on parental care for survival. If the aforementioned edits to the existing avoidance and minimization measures are not made, and/or the aforementioned buffers are not feasible, CDFW recommends Caltrans obtain incidental take coverage under Section 2081(b) of Fish and Game Code and that this be specified in the revised IS, and that the revised IS support a Mitigated Negative Declaration. In summary, if the edited avoidance measures are not feasible, mitigation (take authorization) would be required to reduce to less-than-significant the unavoidable Project-related impacts to SWHA.

//Caltrans Response to Comment 2:

Caltrans has successfully avoided impacts to Swainson's hawk nesting along the state highway system throughout the Central Valley with the implementation of a 500-foot radius no-disturbance buffer. The project is located within a well-developed residential and agricultural area of Kern County that is frequently subject to high levels of vehicular, pedestrian, and agricultural disturbance. In the experience of Caltrans biologists, Swainson's hawk nesting activity greater than 500 feet from the state highway system has often adapted to high levels of disturbance and is unlikely to experience disruption by construction, especially given the short duration and limited spatial impacts of pavement rehabilitation projects.//

Comment 3: Tipton Kangaroo Rat (TKR) and Blunt-Nosed Leopard Lizard (BNLL)

Issue: Both TKR and BNLL are known to occur in the general vicinity of the Project site. While much of the land on both sides of the Project site exists as irrigated agriculture and rural residential and even urban development, there are discreet areas adjoining the Project site which persist as ruderal grasslands. CDFW recommends Caltrans conduct an assessment of these ruderal areas adjoining the Project site for potentially suitable BNLL and TKR

habitat. If suitable BNLL and TKR habitat exists in areas of planned Project-related ground disturbance, equipment staging, or materials laydown, burrows in these areas would have to be completely avoided by a minimum of 50 feet in order to reduce to less than significant the Project-related impacts to both or either species, and possibly to avoid take of both species.

Specific Impacts: Without a determination with respect to the presence or absence of even marginal TKR and/or BNLL habitat at and adjoining the Project site, CDFW cannot concur that the Project-related impacts to both or either species are less-than-significant. Both BNLL and TKR spend much of their time underground in burrows which extend on average 50 feet from a burrow opening and unless those burrow openings are avoided by at least 50 feet, Project-related ground disturbance can result in take of the species through burrow chamber collapse, entrapment, etc. In the IS, Caltrans that the Project will not result in any significant impacts to either species, but Caltrans does not propose surveys for either species or specific measures to avoid burrow openings which may be present within the ruderal portions of the right-of-way or adjoining lands.

Evidence impact would be significant: Habitat loss resulting from agricultural conversion and development is the primary threat to both TKR and BNLL. TKR are known to occur in ruderal areas which continue to have connectivity to portions of the Project right-of-way. Both BNLL and TKR could continue to occupy ruderal areas within and adjoining these portions of the Project right-of-way and Project-related ground disturbance in these areas could result in significant impacts to one or both of these species.

Recommended Potentially Feasible Avoidance and Mitigation Measure(s)

Because suitable TKR and/or BNLL habitat may be present in the vicinity of portions of the Project area, CDFW recommends the following measures be added to the IS to ensure that impacts to the species will be less-than-significant and completely avoided. Further, CDFW recommends these measures be made conditions of Project approval.

Recommended Mitigation Measure 4: Recommended inclusion of Avoidance and Minimization Measures for BNLL and TKR in the IS.

In order to determine if TKR and/or BNLL occupy ruderal parts of the right-of-way or adjoining lands, CDFW recommends Caltrans revise the IS to include plans to assess suitable habitat for BNLL or TKR within or adjoining (within 50 feet) the right-of-way. . If suitable habitat

is not present, this should be specified in the IS and no further avoidance measures would be needed. But if suitable habitat is present within or adjacent (within 50 feet) to the right-of-way, and suitable burrows cannot be avoided, CDFW recommends the IS include a measure involving protocol-level surveys in advance of commencing Project activities. If no individuals are detected during these surveys, Caltrans may avoid impacts to these species. However, if TKR and/or BNLL are found to occupy areas within or adjacent to the right-of-way, the Project could result in significant impacts to this species without implementation of burrow avoidance measures. If avoidance of burrows is not feasible, CDFW recommends Caltrans consult with CDFW. While Caltrans could seek and obtain incidental take coverage under Section 2081(b) of Fish and Game Code or Project-related take of TKR, CDFW cannot issue the same authorization for BNLL due to its State fully-protected status.

//Caltrans Response to Comment 3:

Surveys done during initial studies for the project were conducted within 200 feet of the project footprint. Based on surveys, site visits, and historic aerial photography, Caltrans biologists determined that no suitable habitat for the blunt-nosed leopard lizard or Tipton kangaroo rat exists within 50 feet of the existing Caltrans right-of-way. All non-developed habitat within 50 feet of the project limits consists of regularly compacted and scraped road margins, regularly cultivated agricultural fields, or fallow but regularly disked fields. Rodent burrows within the study area were largely absent and, in a small number of locations where present, observed occupancy consisted only of the California ground squirrel.//

Comment Letter B. California Department of Toxic Substances Control

May 19, 2020

Mr. Som Phongsavanh
Senior Environmental Planner
California Department of Transportation
855 M Street, Suite 200
Fresno, CA 93721
Som.Phongsavanh@dot.ca.gov

DTSC recommends that the following issues be evaluated in the ND Hazards and Hazardous Materials section:

Comment 1:

1. The ND should acknowledge the potential for historic or future activities on or near the project site to result in the release of hazardous wastes/substances on the project site. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The ND should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.

//Caltrans Response to Comment 1:

The Negative Declaration takes into account the potential for spills or releases of a hazardous material. Depending on the scope of the spill/release, further studies may be required. Many of the incidents on the highway system are dealt with through the Caltrans Emergency Response contract. If necessary, an environmental consultant will be contacted and may include: Central Valley Regional Water Quality Control Board, Department of Toxic Substances Control, and the San Joaquin Valley Air Quality Board.//

2. Refiners in the United States started adding lead compounds to gasoline in the 1920s in order to boost octane levels and improve engine performance. This practice did not officially end until 1992 when lead was banned as a fuel additive in California. Tailpipe emissions from automobiles using leaded gasoline contained lead and resulted in aerially deposited lead (ADL) being deposited in and along roadways throughout the state. ADL-contaminated soils still exist along roadsides and medians and can also be found underneath some existing road surfaces due to past construction activities. Due to the potential for

ADL-contaminated soil DTSC, recommends collecting soil samples for lead analysis prior to performing any intrusive activities for the project described in the ND.

//Caltrans Response to Comment 2:

A Preliminary Site Investigation was performed in April 2020. Two hundred (200) soil samples were advanced to a depth of 3 feet. Samples were collected at depth intervals from 0 to 1 foot, 1 to 2 feet, and 2 to 3 feet. Analytical results indicated that soil excavated from 0 to 3 feet will be considered non-hazardous. The 95% upper confidence level (UCL) for all excavation scenarios indicates that the soil can be reused or relinquished without restriction.//

3. If any sites within the project area or sites located within the vicinity of the project have been used or are suspected or having been used for mining activities, proper investigation for mine waste should be discussed in the ND. DTSC recommends that any project sites with current and/or former mining operations onsite or in the project site area should be evaluated for mine waste according to DTSC's 1998 Abandoned Mine Land Mines Preliminary Assessment Handbook (<https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/11/amlhandbook.pdf>).

//Caltrans Response to Comment 3:

There are no former mining operations within the project limits. No evaluation was necessary.//

4. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 *Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers* (https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/Guidance_Lead_Contamination_050118.pdf).

//Caltrans Response to Comment 4:

No buildings or other structures will be demolished for the project.//

5. If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling

should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to *DTSC's 2001 Information Advisory Clean Imported Fill Material* (https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/SMP_FS_Cleanfill-Schools.pdf).

//Caltrans Response to Comment 5:

The project does not require the importation of soil.//

6. If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the ND. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 *Interim Guidance for Sampling Agricultural Properties (Third Revision)* (<https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/Ag-Guidance-Rev-3-August-7-2008-2.pdf>).

//Caltrans Response to Comment 6:

Caltrans investigates where there is evidence of agricultural chemical mixing, storage, or illegal release. The project will acquire a small amount of property for the basin locations. Although the properties to be acquired are zoned residential and vacant land, it appears that these properties were used for agricultural purposes in the past. For the April 2020 Preliminary Site Investigation, the basin locations, as well as the storage ditch locations, were sampled for organochlorine pesticides. Low levels of organochlorine pesticides were detected; however, residual organochlorine pesticides are not likely present in shallow soils that would be of concern or exceed regulatory health-based screening thresholds for commercial/industrial land use.//

Comment Letter C. Native American Heritage Commission

June 2, 2020

Som Phongsavanh
California Department of Transportation
855 M Street, Suite 200
Fresno, CA 93721

Comment 1:

- There is no information in the documents of any contact or consultation with all traditionally, culturally affiliated California Native American Tribes from the NAHC's contact list.

//Caltrans Response to Comment 1:

The March 2020 Initial Study documented Native American consultation under Tribal Resources within the CEQA Environmental Checklist. The Native American Tribe members that were notified were not listed. The Tribal Resources section of the CEQA Environmental Checklist has been updated.//

Comment 2:

In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources in the area of project effect (APE).

//Caltrans Response to Comment 2:

The Initial Study identified historical resources/historic properties within the project limits. In summary, there are two railroad lines that are assumed to be historic resources/historic properties. The resources are assumed to be eligible for the purposes of the project and will not be adversely affected by the construction. A single-family residence was formally evaluated for the National Register of Historic Places and the California Register of Historic Resources. The property is not a historic resource under CEQA or eligible for the National Register of Historic Places. See the State Historic Preservation Officer's concurrence letter in Appendix B.//

Comment 3:

CEQA was amended in 2014 by Assembly Bill 52 (AB 52). 4 AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015. AB 52 created a separate category for "tribal cultural resources", that now includes "a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. Public agencies shall, when

feasible, avoid damaging effects to any tribal cultural resource. Your project may also be subject to Senate Bill 18 (SB 18) (Burton, Chapter 905, Statutes of 2004), Government Code 65352.3, if it also involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space. Both SB 18 and AB 52 have tribal consultation requirements. Additionally, if your project is also subject to the federal National Environmental Policy Act (42 U.S.C. A§ 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1968 may also apply. Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

//Caltrans Response to Comment 3:

The project complies with AB 52. The project is not subject to SB 18. Identification efforts, including pedestrian survey, records search, and other research, resulted in no significant cultural resources being identified within the project area. No Native American resources were found within or close to the project area as a result of the research and pedestrian survey. The studies for this project were carried out in a manner consistent with Caltrans' regulatory responsibilities under Section 106 of the National Historic Preservation Act (36 Code of Federal Regulation Part 800) and pursuant to the January 2014 First Amended Programmatic Agreement among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act (Section 106 PA).//

Comment 4:

Agencies should be aware that AB 52 does not preclude agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52. For that reason, we urge you to continue to request Native American Tribal Contact Lists and Sacred Lands File searches from the NAHC.

//Caltrans Response to Comment 4:

An email was sent to the Native American Heritage Commission requesting a search of its Traditional Cultural Property database and a list of Native American groups and individuals that have an interest in the project area. On October 3, 2018, Saraya Souza of the Native American Heritage Commission, responded to Caltrans via letter. Ms. Souza stated that a record search of the Native American Heritage Commission's database found no resources in the *Sacred Lands File*. She provided Caltrans with a list of groups and individuals that the Native American Heritage Commission had identified as interested in the project area. The Caltrans District 6 Native American Coordinator, Mandy Macias, may do additional consultation with interested Native American individuals and groups, if deemed necessary.//

Comment 5:

The NAHC recommends lead agencies consult with all California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources.

//Caltrans Response to Comment 5:

See the CEQA Environmental Checklist, Tribal Resources section. Caltrans performs consultation with California Native American tribes at the start of the environmental studies phase of the project prior to the circulation of the draft environmental document and continues to do so as the project progresses. The Tribal Resources section of the checklist has been updated.//

Appendix D U.S. Fish and Wildlife Service Letter of Concurrence



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Sacramento Fish and Wildlife Office
2800 Cottage Way, Suite W-2605
Sacramento, California 95825-1846



In Reply Refer to:
08ESMF00-
2020-I-0703-1

May 21, 2020

David M. Johnson
Chief, Central Region Biology Branch
California Department of Transportation, District 6
855 M Street, Suite 200
Fresno, California 93721
david.m.johnson@dot.ca.gov

Subject: Informal Consultation for the Weedpatch Highway 3R Rehabilitation Project, Kern County, California (California Department of Transportation 06-KER-184-PM 0.8/8.6; EA 06-0U290)

Dear Mr. Johnson:

This is the U.S. Fish and Wildlife Service's (Service) response to the California Department of Transportation's (Caltrans) letter requesting the initiation of informal consultation on its action to construct the proposed Weedpatch Highway 3R Rehabilitation Project (project) in Kern County, California. This response is provided under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act), and in accordance with the implementing regulations pertaining to interagency cooperation (50 CFR 402).

Caltrans has assumed the Federal Highway Administration's (FHWA) responsibilities for section 7 consultation per the Act, in accordance with 23 U.S.C. 327, and as described in the *Memorandum of Understanding (MOU) between the FHWA and Caltrans concerning the State of California's participation in the Surface Transportation Project Delivery Program pursuant to 23 U.S.C. 327* (renewed on December 23, 2016 for a term of five years, and finalized effectively on March 30, 2017). The MOU allows Caltrans to assume the FHWA's environmental responsibilities for highway projects in California under the National Environmental Policy Act and other federal laws.

Pursuant to 50 CFR 402.12(j), you submitted a letter, dated December 23, 2019, which we received in our office on January 2, 2020, along with a biological assessment for our review of the findings presented therein. These findings concluded that the proposed project may affect, but is not likely to adversely affect the federally-endangered San Joaquin kit fox (*Vulpes macrotis mutica*).

In considering your request, we based our evaluation on the following: (1) Caltrans' December 23, 2019 letter and its December 2019 *Weedpatch Highway 3R Rehab Biological Assessment* (Biological Assessment); (2) email correspondence between the Service and Caltrans; and (3) other information available to the Service.

Description of the Proposed Action

Pavement Rehabilitation, Shoulder Work, and Bicycle Lane Installation

To improve the quality and safety of the roadway, Caltrans proposes to repair degraded pavement on a 7.8 mile (mi) segment of State Route (SR) 184 in Kern County, beginning just south of Lamont at postmile (PM) 0.8 (Dunsmere Street), and ending at the eastern edge of the City of Bakersfield at PM 8.6 (Breckenridge Road), just north of the SR 58 interchange. Rehabilitation work will involve grinding and removing the existing pavement using a cold-planer or pavement miller, and overlaying a new chip seal coat (asphalt plus a fine aggregate) followed by hot-mix asphalt (HMA). Complete pavement reconstruction will occur in some spot locations. Caltrans also proposes to add new 8 feet (ft.) shoulders where absent and to widen all existing shoulders to 8 ft. in both directions of travel. Existing compacted soil shoulders will need to be converted to paved shoulders, which will involve planing the existing soil to a uniform level and then overlaying with HMA. Caltrans will install Class 2 bicycle lanes in both directions of travel within the rehabilitated shoulders. All new pavement will be restriped.

Drainages

Caltrans will construct two new drainage basins at PMs 3.04 and 4.91, as well as drainage ditches at PMs 6.07, 7.09, and 7.59 to address areas that are prone to flooding. The basins and ditches will require excavating soils within Caltrans' right-of-way (ROW) and on two currently vacant lots. The features will remain earthen, i.e., they will not be paved or lined. The roadside drainage ditches will be contoured with appropriate slopes to facilitate the collection of road runoff, which will then drain to the storage basins.

Other Activities

Work also will include upgrading existing non-standard curb ramps, sidewalks, and driveways where correction is required; implementing pedestrian crossing and Americans with Disabilities Act upgrades at two railroad crossings (DiGiorgio Road and Edison Highway); modifying traffic signals at several intersections; installing/upgrading pre-signals for the railroad crossing and other electrical items throughout the project extent (traffic loops, pull boxes, demarcation cabinets, park and ride lighting, and vehicular count stations); adding raised median curbs at nine locations to minimize unsafe turning movements; and installing metal beam guardrail in both directions of travel at the Eastside Canal.

Staging, Utilities, Channel Work, and K-rail

All staging of vehicles/equipment/materials will occur either on-pavement or within Caltrans' ROW in previously disturbed areas. The project will not require any utility relocations, in-water channel work, or k-rail installation.

Project Schedule

Caltrans anticipates that construction will begin around November 2023 and end around June 2024, and take approximately 160 working days to complete. All work will occur during daytime hours; no nighttime work is expected. Work will occur primarily within the existing ROW, with the exception of the construction of two drainage basins and a ditch, which will require the acquisition of adjacent land parcels.

Conservation Measures

Caltrans and its contractor will implement the following measures to reduce the potential for adverse effects to the San Joaquin kit fox. For the purpose of this consultation, a "qualified biologist," as referenced in this document, refers to an individual who, at a minimum, holds a four-year degree in a relevant biological field and who has demonstrated knowledge of, and experience with, the species.

1. *Preconstruction Survey.* A preconstruction survey will be conducted by a qualified biologist(s) no more than 30 days prior to the beginning of ground disturbance and/or construction activities. Surveys for the San Joaquin kit fox and its dens will be performed throughout the project footprint, as well as in areas 50 ft. out from the edge of the footprint that are accessible and/or visible with binoculars. Caltrans will submit to the Service an email report and map showing the results of the survey and the location of any potential and/or known dens.
2. *Worker Awareness Training.* Prior to the start of work/ground disturbance, a qualified biologist(s) will provide worker environmental awareness training for all construction personnel, including contractors, subcontractors, and contractors' representatives, covering the status of the species; how to identify the species and its habitat; the importance of avoiding impacts to the species; the laws that protect it; and what to do if an individual is encountered during construction. New construction personnel who are added to the project after the training is first conducted also will be required to take the training. Documentation of the training, including sign-in sheets, will be kept on-file.
3. *Biological Monitor.* A qualified biologist(s) will be present on-site to monitor initial ground disturbance as well as off-pavement work. Otherwise, the biologist(s) will be available on-call during all construction periods in the event that the species is observed either on-site or in proximity to the action area. Any off-pavement staging and storage areas will be approved by the qualified biologist(s).
4. *Den Avoidance.* Disturbance to any potential, known, or natal dens identified during preconstruction surveys and/or construction will be avoided. If any dens are discovered either within the project footprint or 100 ft. out from the edge of the footprint, Caltrans will implement the following:
 - a. Potential dens that are located at least 50 ft. from construction will be protected by a 50 ft. exclusion zone. Known dens that are located at least 100 ft. from construction will be protected by a 100 ft. exclusion zone. In instances where 50 ft. or 100 ft. exclusion zones cannot be maintained, potential and/or known dens will be monitored for three consecutive nights using tracking medium and/or a remote sensor camera, and once they are verified to be unoccupied, reduced exclusion zones (determined in coordination with the Service) will be established. The exclusion zones will be demarcated by types of fencing or flagging that will not entangle the San Joaquin kit fox or prevent ingress/egress.
5. *Escape Ramps.* To prevent inadvertent entrapment of the San Joaquin kit fox or other wildlife during construction of the project, all excavated, steep-walled openings more than 1 ft. deep will be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Before such holes or trenches are filled, they will be thoroughly inspected for trapped wildlife. If at any

time a trapped or injured species is discovered, Caltrans will stop work immediately and contact the Service.

6. *Inspection of Structures.* All construction pipes, culverts, or similar structures with a diameter of 4 inches or greater that are stored on the construction site for one or more overnight periods will be thoroughly inspected for the species before burying, capping, or otherwise using the structures. If an individual is discovered during this inspection, the structure will not be disturbed until it leaves of its own accord.
7. *Trash Management.* All food-related trash items such as wrappers, cans, bottles, and food scraps will be disposed of in closed containers and removed daily from the project site in order to reduce the potential for attracting predator species.
8. *Lighting.* The use of temporary artificial lighting on-site will be limited, except when necessary for construction, or for driver and pedestrian safety. Any artificial lighting used during construction will be restricted to areas within the construction footprint and directed away from surrounding habitat. In order to minimize the effects on the species, Caltrans will limit non-target casting of light by installing shielding to the light source to confine the illumination further.
9. *Prohibition of Pets and Firearms.* To eliminate the potential for disturbance or injury to, or death of, the San Joaquin kit fox or other wildlife species from the presence of pets and firearms, neither (with the exception of firearms carried, or working animals handled, by authorized law enforcement officials) will be allowed on the project site.
10. *Vehicle Speed Limits.* All project-related vehicles will observe a daytime speed of no more than 20 mi per hour (mph) and a nighttime speed of no more than 10 mph in all project areas, except on the highway. Off-road travel outside of designated project areas will be prohibited. Project personnel will be provided with written guidance on vehicle use and speed limits on unpaved roads.

Action Area

The action area is defined in 50 CFR 402.02, as “all areas to be affected directly or indirectly by the federal action and not merely the immediate area involved in the action.” The action area is composed of the project footprint (approximately 71 acres (ac)), which encompasses the area directly impacted by construction-related activities, equipment, and personnel (i.e., operations, access, storage/staging). The project footprint consists of: 1) an approximately 7.8 mi segment of SR 184, including all pavement/hardscape and other roadway infrastructure; and 2) land situated within Caltrans’ ROW. The limits of the footprint coincide with the limits of the ROW. The action area also includes land extending approximately 50 ft. from the edge of the project footprint, which has the potential to experience further-reaching effects of construction activities such as temporary noise, dust, and visual disturbance.

Habitat Description, Survey Efforts, and Species Occurrences

The action area comprises paved areas; compacted, mostly bare ground with some ruderal/weedy vegetation (at the edges of the paved roadway and in the gore areas); agricultural lands; and landscaped/developed areas. No natural communities exist within the action area. The East Side Canal is the only water feature within the action area and intersects the highway at PM 5.57. The action area is already subject to routine human disturbances (stemming from factors like vehicle

traffic), so there is little suitable habitat available. Furthermore, Caltrans periodically maintains the vegetation in its ROW through activities such as mowing, scraping, disking, and spraying herbicides; and private landowners cultivate and maintain the agricultural lands that are situated adjacent to the ROW using similar methods. Few small mammal burrows therefore exist within the action area; accordingly, the action area is unlikely to provide a suitable or sustainable prey base for the San Joaquin kit fox. However, some marginal quality foraging and/or denning habitat is available for the species at the proposed basin sites, within the SR 184 overcrossing embankment at SR 58, and in several undeveloped land parcels. Habitats surrounding the action area consist of agricultural lands (barren, plowed, row crop, orchard), rural and suburban residential areas, and light-use commercial/industrial areas.

Caltrans' biologists conducted reconnaissance-level site assessments on February 11, April 2, and September 9, 2019; they surveyed all accessible areas in the action area for the presence of suitable habitat for listed species. Areas that could not be accessed on foot were surveyed visually using binoculars. No protocol-level surveys were performed. The biologists did not observe any potential or known dens within the action area. However, several active natal dens were identified previously near the SR 58 overcrossing during construction on Caltrans' nearby Cottonwood East Rehab Project; these dens are located approximately 320 ft. from the current project's action area.

According to the California Natural Diversity Database (CNDDB; 2020), six records exist for the San Joaquin kit fox within 5 mi of the center of the action area (comprising both historical and more recent observations). However, none of these records overlap with the action area.

Effects Analysis

Within the action area, the majority of construction will take place on-pavement (e.g., removal and replacement of existing pavement and upgrades to curb ramps and sidewalks); off-pavement work will involve activities associated with the shoulders, basins, and ditches. Construction is expected to result in only temporary disturbance to 0.70 ac of suitable foraging habitat for the San Joaquin kit fox due to the excavation of the two drainage basins in undeveloped, rural lots. The habitat present in these lots is more suitable for the species given that it experiences less frequent anthropogenic disturbances (disked/tilled every 1-2 years) and is therefore more likely to provide usable, longer-term habitat for the species. Ultimately, however, construction impacts to suitable habitat are unlikely to result in adverse effects to the species given that 1) the amount affected is extremely minimal (and only a limited portion of the action area as a whole is considered to be actually suitable for the species), 2) the effects are only temporary in nature and duration, and 3) there has been no evidence signifying occupancy by, or presence of, the species in the action area, so the likelihood is lower that the San Joaquin kit fox will occur there.

Caltrans has concluded that adverse effects to the San Joaquin kit fox from direct interactions with project-related equipment/vehicles, structures, and crews during construction work (e.g., strikes, disturbances due to noise and lighting) are unlikely to occur for the following reasons: 1) even though work will occur over a 7.8 mi segment, the scale and scope of construction activities will be minor; 2) work will occur primarily on the existing pavement and on the disturbed, compacted highway shoulders, which do not provide suitable habitat for the species; 3) the presence of high-density invasive vegetation like Russian thistle (*Salsola* sp.) and frequent, regular disturbances from traffic, and from cultivation and maintenance activities have contributed to, and continue to contribute to, the impaired quality of the habitats within the action area; 4) there are no historical or recent records/observations of the San Joaquin kit fox occurring within the action area so the likelihood is lower that the species will occur there; and 5) Caltrans will implement its proposed

conservation measures such as preconstruction surveys, worker environmental training, and monitoring, which will reduce any potential effects to the species.

Determination

The Service concurs with Caltrans' conclusion that the action may affect, but is not likely to adversely affect the San Joaquin kit fox because the potential for the action to affect the species is discountable; additionally, the anticipated effects to habitat are insignificant and do not reach the scale where take occurs. This conclusion is based on the reasons described in the previous section.

Closing Statement

This concludes the Service's review of Caltrans' action to construct the Weedpatch Highway 3R Rehabilitation Project and the Service's consideration of the project's effects on the San Joaquin kit fox. No further coordination with the Service under the Act is necessary at this time. Note that take of listed species is not exempted from the prohibitions described under section 9 of the Act. If conditions change so that the project may adversely affect listed species, initiation of formal consultation, as provided in 50 CFR 402.14, is required.

If you have questions regarding this letter, please contact Jen Schofield (jen_schofield@fws.gov) or me at the letterhead address, by email (patricia_cole@fws.gov), or at (916) 414-6544.

Sincerely,



Patricia Cole
Chief, San Joaquin Valley Division

cc:

Steven Hulbert, California Department of Fish and Wildlife, Fresno, California

List of Technical Studies

Air Quality, Noise and Water Compliance Studies, November 2019

Climate Change Report, February 2019

Natural Environment Study, December 2019

Biological Assessment, December 2019

Location Hydraulic Study, August 2019

Historic Property Survey Report, January 2020

- Archaeological Survey Report
- Historic Resource Evaluation Report

Hazardous Waste Initial Site Assessment, December 2019

Visual Preliminary Environmental Study, December 2019

Paleontological Identification Report, November 2019

To obtain a copy of one or more of these technical studies/reports or the Initial Study, please send your request to the following email address:
d6.public.info@dot.ca.gov

Please indicate the project name and project identifying code (under the project name on the cover of this document) and specify the technical report or document you would like a copy of. Provide your name and email address or U.S. postal service mailing address (street address, city, state and zip code).